Hanafi fiqh

FIQH is that comprehensive knowledge (Ilm), from amongst the knowledge (Uloom) of Islaam, which is based upon Kitaabullaah (Qur`aan Shareef), the Sunnat of Rasulullah (sallallahu alaihi wasallam), Ijma of the Ummat (consensus of opinion) and Qiyaas (analogy). These four basics form such a magnanimous structure, which alleviates every Mas`ala and ruling pertaining to mankind from his birth until death. All aspects of life are covered comprehensively by this structure, which is made up of these four basics. The fact of the matter is that no Muslim can be independent of Fiqh and still perform Salaat in a complete manner, or Hajj, or any other tenet of Islaam. The magnificence of Hanafi Fiqh is overflowing with Qur`aan and Hadith. Just as the (Muslim) world today, is familiar with the seven different Qiraats of the Qur`aan Shareef, so too is there four different Mazaahib (schools of thought), where the Sunnat of Nabi (sallallahu alaihi wasallam) is to be found.

Just as, if a person recites only one type of Qiraat, from the seven different types, for his entire life, he will still receive the reward of reciting the Qur`aan Shareef. If he restricts himself only to one type of recitation, he will still receive full reward for his recitation, and there will be no decrease in his reward.
In the same way, if a person only follows one Mazhab for his entire life, he will still receive the full reward of practising upon the Sunnat of Nabi (sallallahu alaihi wasallam). This (the four different Mazaahib) is the simple way of putting into practice the Sunnat of Nabi (sallallahu alaihi wasallam), and it is a way which is firm and protective.

Allaah Ta`ala spread the Noor of Hidaayat in this world through the medium of the Prophets (alaihimus salaam), and our Nabi (sallallahu alaihi wasallam) was sent as a guide for the entire mankind upto the day of Qiyaamah. In this way he (sallallahu alaihi wasallam) was granted the honour of being the best of all the Prophets (alaihimus salaam).
Similarly, the Ummat was granted the Noor of the Sunnat of Nabi (sallallahu alaihi wasallam) via the agency of the four different Imaams. But, the beneficence of Imaams Shaafi, Maalik and Ahmed (rahmatullahi alaihim) was limited to only specific areas and groups. Their followers can be found in defined areas and countries.
Whereas, the Sunnat of Nabi (sallallahu alaihi wasallam) which was spread through Imaam Abu Hanifah (rahmatullahi alaih) can be found in every corner of the earth.

Therefore, the following can safely be averred, without fear of any reprisals, that the Kalima of Islaam, the Kalaam of Allaah Ta`ala (Qur`aan Shareef) and the Sunnat of Nabi (sallallahu alaihi wasallam) was propagated throughout the globe via Imaam Saheb and his followers. Therefore he has been honoured with the title of 'Imaam A`zam' throughout the Islaamic world. It is the good fortune of the Hanafis that their Nabi (sallallahu alaihi wasallam) was *the* Nabi and their Imaam is *the* Imaam.

It is for this reason that Imaam Abdullah bin Dawood Al-Khareebi (rahmatullahi alaih) - passed away 213 A.H. - used to say:
"It is Waajib for all Muslims that they make du`aa unto Allaah Ta`ala, for Imaam Abu Hanifah (rahmatullahi alaih) and that they say that he has (with the Fadhl of Allaah Ta`ala) safeguarded the Sunnat and Fiqh." **[Taarikh Baghdad, page 342, vol.12 / Al-Bidaaya wan Nihaaya, page 107, vol.1]**

The Sunnat of Nabi (sallallahu alaihi wasallam) is being spread throughout the world, via the Hanafi Fiqh. Thousands of Muhadditheen, hundreds of thousands of Fuqaha and millions of the public, have treaded and are still treading upon the tenets of Islaam, following this very same Fiqh (of Imaam A`zam (rahmatullahi alaih)). This Fiqh is also being executed for centuries in the Haramain Sharifain and throughout the Muslim world.

Some people have, due to their ignorance, and others due to jealousy, objected to this Fiqh. May Allaah Ta`ala make it such that, just as Imaam Abu Hanifah (rahmatullahi alaih)'s followers and well-wishers' good actions reach him, so too must the good deeds of his Haasideen (those who are jealous of him), be a cause of his stages being raised.

Nu`aim bin Hammaad, was one such person, who was in the fore-front amongst the Haasideen of Imaam Saheb (rahmatullahi alaih). He even went so far as to concoct Ahadith in order to disprove Imaam Saheb (rahmatullahi alaih). He fabricated stories wherein he disgraced Imaam Saheb (rahmatullahi alaih).
The famous Ghair-Muqallid Aalim, Moulana Muhammed Ebrahim Saheb Siyaalakoti, has written in his Kitaab, 'Taarikh Al-Hadith', on pages 68 to 70, that this Nu`aim bin Hammaad has in many kitaabs written fabricated Ahadith and stories regarding Imaam Saheb (rahmatullahi alaih). He even wrote that this person authored many kitaabs in refutation of the Ahnaaf. [page64]

This person died in 228 A.H., and the era of the Tab`a Taabi`een lasted until 221 A.H., by this time the Hanafi Fiqh has spread far and wide. He wrote many kitaabs in refutation of Hanafi Fiqh, which were replete with false Ahadith and stories. This much is as clear as daylight that until the end of the 'best of eras', no intelligent and authentic objection could be raised against Imaam Saheb's Fiqh. Yes, a difference of opinion from an Ilmi point of view is a different thing.

This jealous person, Nu`aim bin Hammaad, differed from the mainstream belief of the Ahle Sunnat wal Jamaat, in that he averred that the Qur`aan Shareef is Makhlooq. He was arrested, chained and flung in a hole, where he died. He was neither given a proper Kafan nor was Janaaza Salaat read for him. [Taarikh Baghdad, page 314, vol.13].

Those Ghair Muqallideen of present times who also fabricate Ahadith and stories, and vociferously oppose the Hanafis with their propaganda, thereby strengthening the stand of the Shias and objectors of Ahadith, must take a lesson from the epilogue in the life of Nu`aim bin Hammaad. They should take serious heed to the words (which are worthy of framing), of their famous Ghair Muqallid Aalim, Haafiz Abdul Mannaan Saheb Waziraabaadi, who used to say that the person who degrades the Ulama-e-Deen, especially Imaam Saheb (rahmatullahi alaih), his death will not be a nice one. [Taarikh Ahle Hadith, page 437]. Spitting at the moon, only results in it falling back on one's face. Nu`aim bin Hammaad did not escape unscathed from his attack upon Imaam Saheb and his Fiqh. A disgraceful fate afflicted him.

Hadhrat Moulana Tajammul Hussein Saheb Bahari writes: "One Ghair Muqallid Aalim, Moulana Muhammed Ebrahim Saheb Aarwi went to Macca Mukarrama. There he met Hadhrat Moulana Sayyid Shah Muhammed Ali Saheb Moongiri. Moulana Muhammed Ebrahim narrated: 'I saw Nabi (sallallahu alaihi wasallam), who was presiding a gathering, in my dream. Imaam A`zam, Abu Hanifah (rahmatullahi alaih) was also present in this majlis. Nabi (sallallahu alaihi wasallam) said to me:

'You have bad thoughts about him (referring to Imaam Saheb), ask his forgiveness!' I immediately knelt at Imaam Saheb's feet and sought forgiveness.'"
[Kamaalaat Ruhmaani, page 17]

<u>IMAAM ABU BAKR BIN ABI SHAIBAH (rahmatullahi alaih)</u>

One of the benefactors of Hanafi Fiqh was a Buzrook by the name of Imaam Abu Bakr bin Abi Shaibah (rahmatullahi alaih). He passed away in 235 A.H. He had compiled a voluminous Hadith Kitaab, which spanned 16 volumes. The Ghair Muqallideen, have regarded this Kitaab as being nugatory. However, in one of the volumes, there appear some objections to some of Imaam Saheb's Masaa`il. These people(Ghair Muqallids), have taken copiously from here.
Nevertheless, there are two very important points regarding this Kitaab.

This Kitaab has a compilation of Fiq`hi Fataawa of more than 30 000 Sahaba (radhiAllaahu anhum) and Taabi`een (rahmatullahi alaihim). There does not appear any Qur`aanic proof from the Sahabi or Taabi`i providing the Fatwa. Nor is there any Hadith cited in support of the Fatwa given. There is also no record of objectors to these Fataawa.
This proves that during the era of the Sahabah and Taabi`een, Fataawa were given without and proof being cited from Qur`aan Shareef or Ahadith. The people practised upon these Fataawa without seeking any such proof. There is no evidence of anyone refuting these continuous practises. This is called Taqleed.

The analysis of the differences Imaam Ibn Shaibah had with Hanafi Fiqh is as follows:
It is stated in 'Inaaya', which is the commentary of 'Hidaya', that the total number of Hanafi Fiqhi Masaa`il exceeds 1 260 000 (i.e. more than one million, two hundred and sixty thousand). Imaam Ibn Shaiba has differed upon only 125 Masaa`il. If we assume that his differences were exactly this (i.e.125), then the ratio between correctness and incorrectness of the Hanafi Masaa`il, would be one incorrect one to every 10 160 correct ones. Therefore, (according to one Hadith), there will be two rewards for every one of the 10 160 correct rulings and one reward for every one incorrect. It is very possible that there is *no Muhaddith*, who has attained this ratio of incorrect to correct rulings, ever.

When we study the differences of Imaam ibn Abi Shaibah, we note that there are atleast 60 Masaa`il, where there appears Ahadith on both sides. According to Imaam ibn abi Shaibah one Hadith is preferred and according to Imaam Saheb (rahmatullahi alaih) another Hadith is preferred. Imaam Saheb (rahmatullahi alaih) used to say: *"If a Hadith is authenticated, then that is my Mazhab."* [Shaami]. Hence, we see that the Hadith he has preferred *is an authentic one.*
Imaam Sufyaan Thauri (rahmatullahi alaih) said that Imaam Abu Hanifah (rahmatullahi alaih) only used authentic Ahadith, where the narrators were completely reliable. He was also well aware of 'Naasikh Mansookh' (i.e. which Hadith was abrogated and which was abbrogatory). He was also very particular to ascertain which action was the one executed by Nabi (sallallahu alaihi wasallam) during his last stages. He also kept his views in agreement to the majority of the Ulama of his time. [Al Khairaatul Hasanaat, page 30].

In those Ahadith where there existed 'contradictions', Imaam Saheb used to take that Hadith which he and other Muhadditheen accepted as the most authentic one. It is also apparent that he accepted the 'replacement' Hadith over the abrogated one and he considered those actions of Nabi (sallallahu alaihi wasallam) which were done at the last part of his life. It is also apparent that Imaam ibn Abi Shaibah

did not apply *that* much attention to authentic Ahadith, therefore the Muhadditheen have place his Kitaab in the third category. He also did not pay that much attention to 'Naasikh Mansookh'.
Hence, we can safely conclude that in the 60 odd differences raised by Imaam ibn Abi Shaibah, the view of Imaam Saheb is more correct and preferred.

Besides this, there are approximately a dozen Ahadith, where Imaam ibn Abi Shaibah has presented a 'Khabar Waahid' (Hadith related by a single person), whereas Imaam Saheb has presented Qur`aanic text in support of his view. It is clear that proof from the Qur`aan Shareef is most preferred.

There are approximately 1 ½ dozen Masaa`il where, Imaam ibn Abi Shaibah uses 'Khabar Waahid' whereas Imaam Saheb uses 'Khabar Mash -Hoor' ('Famous' Hadith). It is apparent that 'Khabar Mash-Hoor' holds preference over 'Khabar Waahid'.
There are approximately 1 ½ dozen Masaa`il, where Imaam Ibn Abi Shaibah refutes these Masaa`il, whereas these Masaa`il are not even proven to be directly from Imaam Saheb. These are not even recorded in the Hanafi Fiqh Kitaabs. Here Imaam ibn Abi Shaibah has also erred.

There are approximately ten Masaa`il where there is a difference of opinion regarding the *interpretation* of the Hadith. Imaam ibn Abi Shaibah interprets it in one way and Imaam Saheb in another. It is apparent that there is no consideration given to difference in interpretation of Ahadith, whereas difference of opinion in Fiqh is taken into cognisance.
[Jaami` Bayaanul Ilm, page 131, vol.2 / Zail Jawaahir, page 485, vol.2 / Al-Khairaatul Hisaan, page 61].
Imaam Tirmidhi (rahmatullahi alaih) said: *"He (Imaam Saheb) was a great Aalim in interpreting the Ahadith."* [Tirmidhi, page 118, vol.1].
There is a consensus of opinion amongst the Ummat that Imaam Saheb was a Mujtahid.

Nevertheless, there remains a dispute in six or seven Masaa`il.
The condition of Allaah Ta`ala's acceptance is such that, even after Imaam ibn Abi Shaiba has written his Kitaab, there are still millions of people who follow the Mazhab of Imaam Abu Hanifah (rahmatullahi alaih). There is not a single person, the world over who is a Muqallid of Imaam ibn Abi Shaibah.

Allaamah Abdul Qadir Qurashi, Allaamah Qaasim bin Qutlobugha and Allaamah Kawthari have written detailed refutations regarding this section in Imaam ibn Shaibah's Kitaab.
It is recorded in the Ghair Muqallid periodical, "Al-I`tisaam":
***"Imaam A`zam (rahmatullahi alaih) has indeed, kept the conditions and needs of the civilisation of his era before him, and according to the Qur`aanic method of Mashwera, he formulated Fiqh according to sound Islamic principles. In reality, this is great achievement. It is impossible to refute this greatness and necessity (of his work)."* [8 July 1960, page 5, column 1]**

KHATEEB BAGHDAADI

He was born in 393 A.H. he was first a Hambali, thereafter he became a Shaafi. He was a firm believer in Taqleed, and he vociferously negated any Ghair Muqallid. [Al-Fiqh wal Muttafiqa, page 67/8, vol.2]

He was extremely prejudiced against the Hanafis. He has written many authentic

Ahadith in his Kitaabs, as well as many false ones. The Muhadditheen have accepted the authentic ones and rejected the false ones. In the same way he has written many virtues of Imaam Saheb (rahmatullahi alaih), and similarly he has also recorded many 'faults' of Imaam Saheb.
Now, any intelligent person cannot accept as correct, both these extremes, that one person is a Mujtahid of an extremely high standing, whilst on the other hand (we seek protection from Allaah Ta`ala from such utterances) he is worse than the Christians and idol-worshippers.
Now, let us study these two extremes of Khateeb. Which of these have the Muhadditheen accepted, and which have they rejected. It is a well accepted fact that the virtues of Imaam Saheb (rahmatullahi alaih) are unanimously accepted, by the Hambali, Shaafi and Maaliki Muhadditheen, which is borne out by their verbal lauds. Regarding the 'faults' which have been recorded about Imaam Saheb, *all* Muhadditheen have completely refuted them. Ibn Abdul Barr Maaliki has, during that same era, written about the impeccability of Imaam Saheb (rahmatullahi alaih).
A disciple/student of Khateeb Baghdaadi, Qaadhi Abul Yameen, has written an edited version of Khateeb's Kitaab, wherein he recorded the virtues of Imaam Saheb, and he excluded and refuted the section about Imaam Saheb's 'faults'. Ibn Jozi, Allaamah Khawaarzimi, and many others have written in refutation to the 'faults' written about Imaam Saheb. In short, according to the Muhadditheen of the Ahle Sunnat wal Jamaat, there is no flaw or blemish in the impeccability of Imaam Saheb (rahmatullahi alaih). His Muqallideen (followers) are still many in this world. Khateeb has blemished his own reputation by this article of his. Yes, that section which the Ahle Sunnat wal Jamaat has vociferously refuted, the Shias occasionally take and use to bolster their own nefarious ends.
Haamid Ali, a Shia, has recorded this rejected section (of Khateeb's Kitaab) in his own book, entitled "Al- Istiqsaa-ul-Ifhaam".
Muhammed Joonaagri, a Ghair Muqallid, has also written the same, in his "Taarikh Muhammedi", and he has thereby given strength to the Shias.

The reality is that, the glow of the moon is not dulled by the barking of dogs. nor does the ocean become putrefied by the falling therein of many flies.
It is for this reason that Moulana Dawood Ghaznawi (rahmatullahi alaih) has written that those who castigate Imaam Saheb (rahmatullahi alaih), are either just jealous or they are unaware of his status. [Dawood Ghaznawi, page 378]
Mia Nazeer Saheb Dehlwi has stated that we regard the person who vilifies and badmouths the Aimma-e-Deen, as a lying Raafidhi (Shia). [Taarikh Ahle Hadith, page 80]

The Ghair Muqallideen of present times should take lesson. When people like Nu`aim bin Hammaad, Ibn abi Shaibah and Khateeb could not contaminate the Hanafi Mazhab by their opposition, how on earth can people of present times, who refute Ahadith and join hands with the Shias do any harm by their opposition? They should therefore put aside their petty squabbles and antagonism, and join hands with the Ahle Sunnat wal Jamaat, thereby putting into practise the perfect system of Shariat-e-Islaam.

AMEEN.